

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6079

BILL NUMBER: SB 17

NOTE PREPARED: Dec 29, 2003

BILL AMENDED:

SUBJECT: Expanded DNA Testing.

FIRST AUTHOR: Sen. Zakas

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- A. It adds residential entry to the crimes for which an offender committed to the Department of Corrections (DOC) is required to submit a DNA sample.
- B. It requires a person placed on probation or directly committed to community corrections to submit a DNA sample if the person was convicted of a crime that would require a person committed to DOC to submit a DNA sample.
- C. It requires a delinquent child to submit a DNA sample if the child has been adjudicated a delinquent based on the commission of: (1) a sex crime; (2) burglary; or (3) residential entry.

Effective Date: July 1, 2004.

Explanation of State Expenditures: This bill would increase the costs to the Indiana State Police by \$1.02 M in FY 2005 and by \$350,000 in each subsequent fiscal year.

Under current law, offenders who have been convicted of the following offenses are required by law to provide DNA material for the Indiana DNA Database: felonies against a person, burglary, or child solicitation.

This bill would add the following offenders to this list:

- offenders convicted of residential entry and committed to a DOC facility;
- adult offenders convicted of a felony against a person, burglary, residential entry, or child solicitation and sentenced to probation or directly placed on community corrections; or
- juvenile delinquents convicted of a felony against a person, burglary, residential entry, or child

solicitation and sentenced to probation.

New DNA Samples To Be Analyzed:

The potential number of new DNA specimens could be as many as 7,710 adult and juvenile offenders who are already in the system and 1,354 adult and juvenile offenders who would enter the system during each year.

Offender:	Estimated Offenders Already in System To Be Typed:		Estimated New Offenders Committed To Be Typed:	
	<u>Offenders</u>	<u>Based On:</u>	<u>Offenders</u>	<u>Based On:</u>
Residential Entry	78	Offenders in DOC on Dec. 15, 2003	132	Offenders Committed in FY 2003
Probation	5,804	20% of offenders on probation Dec. 31, 2002	423	20% of offenders committed post sentence in CY 2002
DOC offenders in county jails	174	11% of population in jails in Dec. 2003		
Direct Commitment	1,400	20% of offenders in community correction in 2002	554	20% of offenders directly committed to community correction in 2002
Juvenile Delinquents	<u>254</u>	Juveniles in DOC facilities Dec. 19, 2003	<u>245</u>	Juveniles committed to DOC in FY 2003
Total New Samples	<u>7,710</u>		<u>1,354</u>	

The DNA Identification Process:

The general process for typing DNA samples involve the following steps:

1. All DNA samples taken by trained staff are blood samples. Blood samples in three county jails under the current pilot project funded by a federal grant are taken by medical personnel.
2. Samples are personally delivered to the State Police Laboratory by DOC personnel. Once received, the blood is put on several stain cards, dried, numbered, put in envelopes, and logged. The companion sample is then sent to an accredited vendor. All of this work is completed by the analysts.
3. When the accredited vendor returns the sample and the analytical results, the analysts cross-check the sample with instrument readings against the sample held in the lab and enter the results in the DNA database.
4. When the analysts find a match between DNA at a crime scene and a sample in the DNA repository, the analysts take the lab sample and do the typing themselves to ensure the sample is a match. The more samples that are in the system will result in more matches and an increased workload for these analysts.

Estimated Cost:

The Indiana State Police identified these cost components for processing the added DNA samples.

- Four new analysts at \$54,000 per-full time position.
- The contract cost of \$30 per sample to type the DNA.
- Construction of additional lab and storage space, computers, and refrigerated units for preserving the samples.
- Costs of shipping and delivery.

Estimated Cost For Added DNA Samples:					
FY 2005			FY 2006 and Subsequent Years:		
Cost Components		Costs	Cost Components		Costs
9,064 samples X \$30 per sample	=	\$271,920	1,354 Samples X \$30/Sample	=	\$40,620
4 Analysts	=	\$299,850	4 Analysts	=	\$304,037
1,000 sq. ft. Lab Space x \$325/sf	=	\$325,000			
1,000 sq. ft. Storage x \$85/sf	=	\$85,000			
Computers, Refrigerators, etc.	=	\$11,000			
Kits, Samples, etc. (9,064 x 2.63)	=	\$23,838	Kits, Samples, etc.	=	\$ 3,561
Shipping/Delivery: (9,064 x 0.40)	=	\$3,626	Shipping/Delivery	=	\$ 541
		<u>\$1,020,234</u>			<u>\$348,759</u>

The funds and resources required above could be supplied through a variety of sources, including the following: (1) existing staff and resources not currently being used to capacity; (2) existing staff and resources currently being used in another program; (3) authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) funds that, otherwise, would be reverted (ISP reverted \$5.8 M in FY 2003); or (5) new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Explanation of State Revenues:

Explanation of Local Expenditures: This bill would require the staff in sheriffs offices to collect the DNA samples. If blood samples are used, then designated staff in each sheriffs office will require a minimum amount of training in how to extract the blood samples or the sheriffs will have to use medical personnel. Counties with a large number of offenders will experience a greater workload. The added workload will depend on the guidelines that the superintendent of the State Police develops.

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police.

Local Agencies Affected: Sheriffs offices.

Information Sources: Probation Offices in Allen, Marion, and Monroe Counties; *2002 Indiana Probation Report*, Department of Correction; Steve Hillman, Indiana State Police.

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